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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,643	10/15/2003	David Morrow	WLI 1096 PUS	2642
27256	7590	08/27/2004	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			CHAMBERS, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,643

Applicant(s)

MORROW ET AL.

Examiner

Mike Chambers

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1- 17 are drawn to a lacrosse handles, classified in class 473, subclass 513.
- II Claims 18-20 are drawn to a method of making a handle, classified in class 473, subclass 505.

Inventions I and II are related as product and process of making. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for making the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)).

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the handle could be molded around the reinforcing insert.

Applicant's representative J. Artz was contacted by phone on 8/23/04.

Applicant's representative elected Group I.

Claims 17-20 are withdrawn from further consideration, as directed to claims non-elected without traverse, 37CFR1.142.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by E-Lacrosse. E-Lacrosse discloses

a hollow tube for attachment to the Lacrosse head, said hollow tube having an outer surface and an inner surface and a reinforcing insert coupled to said inner surface for strengthening said hollow tube (pg 5- picture 1).

As to claim 2 : E-Lacrosse discloses a reinforcing insert that extends across the length of the hollow tube (pg 5- picture 1).

As to claim 3 : E-Lacrosse discloses a reinforcing insert that extends around the lateral periphery (pg 5- picture 1).

As to claims 4,5, and 6 : E-Lacrosse discloses a reinforcing insert that is coupled to the top, intermediate and end portion (pg 5- picture 1).

As to claim 9 : E-Lacrosse discloses a cavity substantially filled by the reinforcing insert (pg 5- picture 1).

As to claim 10 : E-Lacrosse discloses a cavity (pg 5- picture 1). The foam that fills the cavity would inherently have cavities.

As to claim 11 : See claim 1 rejection (The foam is deformable).

Art Unit: 3711

As to claim 12 : E-Lacrosse discloses a foam (pg 5- picture 1, caption under picture).

As to claim 13 : See claim 2 rejection.

As to claim 14 : See claim 3 rejection.

As to claim 15,16, and 17 : See claims 4,5 and 6 rejection.

Also,

Claims 1-7,9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoult. Hoult discloses a

a hollow tube (42, fig 5) for attachment to the Lacrosse head, said hollow tube having an outer surface and an inner surface and a reinforcing insert (46) coupled to said inner surface for strengthening said hollow tube (fig 5).

As to claim 2 : Hoult discloses a reinforcing insert that extends across the length of the hollow tube (fig 5).

As to claim 3 : Hoult discloses a reinforcing insert that extends around the lateral periphery (fig 5).

As to claims 4,5, and 6 : Hoult discloses a reinforcing insert that is coupled to the top, intermediate and end portion (fig 5, 2:44-53).

As to claim 7 : Hoult discloses a rigid material (fig 5, 2:44).

As to claim 9 : Hoult discloses a cavity substantially filled by the reinforcing insert (fig 5).

As to claim 10 : Hoult discloses a cavity (fig 5, 2:50-51).

Also,

Claims 1-4, 7, 9, 10, 11, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Locarno et al. Locarno et al discloses a

a hollow tube for attachment to the Lacrosse head, said hollow tube having an outer surface and an inner surface and a reinforcing insert coupled to said inner surface for strengthening said hollow tube (fig 1, 21, 22).

As to claim 2 : Locarno et al discloses a reinforcing insert that extends across the length of the hollow tube (fig 1, 21, 22).

As to claim 3 : Locarno et al discloses a reinforcing insert that extends around the lateral periphery (fig 1, 21, 22).

As to claim 4 : Locarno et al discloses a reinforcing insert that is coupled to the top, intermediate and end portion (fig 1, 21, 22).

As to claim 7 : Locarno et al discloses a rigid material (8:50-52).

As to claim 9 : Locarno et al discloses a cavity substantially filled by the reinforcing insert (fig 5).

As to claim 10 : Locarno et al discloses a cavity (fig 11, 6:22-23).

As to claim 11 : See claim 1 rejection (8:49-52).

As to claim 13 : See claim 2 rejection.

As to claim 14 : See claim 3 rejection.

As to claim 15 : See claim 4 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3711

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoult in view of Official Notice. Official Notice is taken that the use of composite materials is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed any one of several equivalent materials including composites based on cost and manufacturing and design considerations.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Locarno et al in view of Official Notice. Official Notice is taken that the use of composite materials is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed any one of several equivalent materials including composites based on cost and manufacturing and design considerations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 703-306-5516. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6113508*3702702*E-lacrosse

Michael Chambers
Examiner
Art Unit 3711

August 24, 2004


GREGORY VIDOVIK
SUPERVISORY PATENT EXAMINER
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